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February 9, 2020

**VIA ECF**

Honorable Judge Sarah Netburn  
Thurgood Marshall United States Courthouse  
Southern District of New York  
40 Foley Square, Courtroom 219  
New York, NY 10007

Re: **Tirado/Castelle v. City of New York, et al.**  
Index No.: 19-cv-10377-LAK-SN  
Our File No.: 611-3290

Dear Judge Netburn:

Our law firm represents the Defendants in the above-referenced matter. This letter is submitted to update the Court regarding outstanding discovery in furtherance of the recent court conference on February 2, 2021, as directed at the conference and ECF # 102.

**Video Footage of Decedent's death**

Mr. Rickner and I have met and conferred on the outstanding video footage several times since the last conference. The Department of Corrections ("DOC") has confirmed that it possesses the video footage from November 8, 2016, including the time of decedent's death, and is cross referencing their footage matches with the camera views and angles described in the DOC investigation report. I was advised that the Investigations Division is presently reviewing all footage, including the different copies that have been made of that footage, for inventory purposes and that they have pulled an investigator off of her regular assignment and that she has been working full time on this since February 4, 2021. I was advised that we will receive copies of all footage, including that relating to decedent's death, by February 19, 2021.

Plaintiff's attorney also recently discovered that he has footage from one of the cameras of decedent's death on November 8, 2016 and, as described above, the DOC will provide any further footage shortly. I have conveyed plaintiff's attorneys' other concerns concerning artifacts, inmate interview footage and the shortcut files to DOC, and I am hopeful that those issues will be fully resolved when copies from the original files are provided by February 19, 2021.

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### **Email custodians**

Plaintiff's attorney and I met and conferred on this issue on February 5, 2021, and have agreed to the following custodians relating to emails concerning Mr. Castelle's incarceration and death as well as the administration of Librium/Methadone:

- Chief of Department 2011-2016
- Warden and Deputy Wardens in AMKC 2011-2016
- Deputy Commissioner of Health Affairs 2011-2016
- Assistant Commissioner of Health Affairs 2011-2016
- Deputy Commissioner of Investigations November 2016
- Director/ Assistant Commissioner of ID November 2016

Presently, the undersigned does not have a timetable as to when relevant emails can be obtained.

### **Informal or Nonlitigation complaints**

Plaintiff's attorney and I met and conferred on this issue on February 4 and 5, 2021. We discussed how the Grievance unit and the Constituent Services unit handled complaints from inmates, 311 calls, and Legal Aid. Plaintiff's attorney raised additional questions regarding the system, which I, in turn, communicated to DOC. Plaintiff's attorney and I will continue to further discuss how to best proceed with this aspect of discovery expeditiously.

### **Prior litigation documents**

We have had difficulties taking stock of the cases forwarded by plaintiff's attorney because they are referenced by the name of the inmate and not the representative of the deceased. By way of searches on the internet, we did identify several, but many of these cases have protective orders, which need to be addressed. Plaintiff's attorney and I will continue to further discuss how to best proceed with this aspect of discovery expeditiously.

### **Miscellaneous:**

We have disclosed the following since the last conference:

1. Protocols Methadone Administration (#586-#599)
2. DOC Inmate Look/Photos (#600- #664)
3. DOC Preliminary Investigation Report (#665-#847)
4. BOC Health Care Minimums Standards- 04-10-91 (#848 - #896)
5. Medical Emergency Briefing F140822 (#897-#910)
6. Drug Identification F090724 (#911-#946)
7. Medical Emergencies Briefing F090520 (#947-#960)
8. Drug Identification F150720 (#961-#988)

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We will be disclosing other material beyond that described above very shortly. We thank the Court for its time and consideration.

Respectfully submitted,  
HEIDELL, PITTONI, MURPHY & BACH, LLP

A handwritten signature in blue ink, appearing to read "Darshan I. Patel".

DGM:vm

Darshan I. Patel

cc: **VIA ECF - All Parties**